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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Janice Mary Herbert,

Plaintiff,

v.

United States of America,

Defendant.

Case No. 2:20-cv-00917-JCM-BNW

**Stipulation and Order to Amend  
Discovery Plan and Extend Deadlines  
(Second Request)**

Pursuant to Local Rules IA 6-1 and 26-4, Plaintiff Janice Mary Herbert, and Defendant United States of America, through counsel, submit the following Stipulation to Extend Deadlines 60 days. This is the second request for an extension of case deadlines. No trial date has yet been set in this matter.

**A. Discovery Completed:**

1. The parties have exchanged Rule 26(a) disclosures.
2. The United States continues to subpoena Plaintiff's medical records from health care providers and continues to provide supplemental disclosure statements.
3. The United States served discovery requests including Requests for Production and Interrogatories on Plaintiff.

**B. Discovery Remaining:**

The parties may serve additional written discovery and plan to conduct depositions of the Plaintiff and Plaintiff's treating physicians. Additionally, the parties will designate and depose retained and non-retained medical experts, if applicable.

**C. Need for Extension of Discovery Plan:**

Plaintiff filed her complaint on May 20, 2020. Plaintiff filed her First Amended Complaint on October 12, 2020. The United States filed its answer to Plaintiff's First Amended Complaint on October 13, 2020. On November 17, 2020, the parties stipulated to dismissing Doe Defendants I through X, inclusive, and Roe Corporations I through X, inclusive from the First Amended Complaint. On November 24, 2020, the parties filed their Stipulated Discovery Plan and Scheduling Order. On December 1, 2020, the Court granted the parties' Stipulated Discovery Plan and entered its Scheduling Order. On December 2, 2020, the Court granted the parties' stipulation to dismiss Doe Defendants I through X, inclusive, and Roe Corporations I through X, inclusive. On March 1, 2021, the parties entered into their first stipulation to amend the discovery plan and extend deadlines (ECF No. 21). On March 5, 2021, the Court entered an order granting the parties' stipulation (ECF No. 22).

The parties continue to experience disruptions caused by the global COVID-19 pandemic. The attorneys and staff at the U.S. Attorney's Office are required to work remotely, with limited support staff, until further notice. Consequently, counsel for the United States has experienced delays in obtaining medical records and hiring experts. Additionally, the parties anticipate difficulty scheduling depositions while social distancing and quarantine orders are in place, particularly for treating physicians and expert witnesses. As of the time of this filing, the parties do not know how long the pandemic's safety measures will remain in effect.

**D. Proposed New Discovery Schedule**

**1. Discovery Cutoff date:** Discovery cutoff is currently scheduled for July 26, 2021, and will be extended to **September 24, 2021**.

1       **2. Expert Disclosures:** Initial expert disclosures currently due on May 28, 2021, will  
2 be continued to **July 27, 2021**; and rebuttal expert disclosures currently due June 25, 2021,  
3 will be continued to **August 24, 2021**.

4       **3. Dispositive Motions:** Dispositive motions currently due August 25, 2021, will be  
5 continue to **October 25, 2021**, which is 30 days after discovery cutoff.

6       **4. Pretrial Order:** A Joint Pretrial Order shall be filed by **November 24, 2021**, which  
7 is 30 days after the deadline for filing dispositive motions. However, if any dispositive  
8 motions are filed, the the Joint Pretrial Order shall be due 30 days after decision on such  
9 motion(s). Disclosures under Fed. R. Civ. P. 26(a)(3) and any objections thereto shall be  
10 included in the Joint Pretrial Order.

11       Respectfully submitted this 13th day of April, 2021.

12       The Law Office of Casey Gish, Esq.

NICHOLAS A. TRUTANICH  
United States Attorney

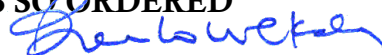
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16  
17       Attorney for Plaintiff

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19       **IT IS SO ORDERED**



20       **UNITED STATES MAGISTRATE JUDGE**

21       **DATED:** April 15, 2021  
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